

Atty. Docket No.: CA1073
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/870,581

REMARKS

Claims 1, 2 and 7-22 are all the claims pending in the application. By this Amendment, claims 10, 11, 16 and 17 are amended in a manner that is believed to be broadening. For at least the reasons discussed below, Applicant respectfully submits that the claims are in condition for allowance, and respectfully requests withdrawal of the objection and rejections, as well as allowance of this application.

I. Claim Objections

In response to the Examiner's objection under 37 CFR §1.75, applicant respectfully submits that claim 12 was erroneously listed twice on the previous submission of December 15, 2004, and apologizes for this error. However, Applicant respectfully requests that the Examiner replace the previous claims with the current attached claims, which eliminate this duplication. Accordingly, withdrawal of this objection is respectfully requested.

II. Claim Rejections

Claims 1, 2, 7-18, 21 and 22 stand rejected due to alleged anticipation under 35 USC §102(e) based on Blaser et al. (U.S. Patent No. 6,757,661 B1).¹ Further, claims 19 and 20 stand rejected under 35 USC §103(a) over Blaser in view of Philyaw et al. (U.S. Patent No. 6,836,799

¹ In the Office Action, the Examiner states that "Blaser anticipated claims, 1, 2, 3, 4, 5, 6 by the following:". Applicant understands that the Examiner intended to include claims 1, 2, 7-18, 21 and 22 in this passage, especially in view that claims 3, 4, 5, 6 have been canceled.

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B1).² However, Applicant respectfully submits that for the reasons discussed below, these rejections should be withdrawn.

Applicant respectfully submits that the claimed invention was conceived prior to the April 7, 2000 effective filing date of Blaser. As shown on the attached Declaration under 37 CFR §1.131, the claimed invention was conceived prior to April 7, 2000 and constructively reduced to practice on May 30, 2000. Between April 7, 2000 and October 30, 2000, Applicant engaged in diligence, as disclosed on the attached Declaration under 37 CFR §1.131. Therefore, Applicant respectfully requests withdrawal of the foregoing rejections, and allowance of the claims.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

² In this section, the Examiner includes an explanation about the applicant naming joint inventors. However, Applicant respectfully submits that he is the sole inventor of this patent application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 6th day of February, 2006.



Monica Moreno

Date: February 6, 2006